

**Court of Appeals, State of Michigan**

**ORDER**

In re McGee

Docket No. 267249

LC No. 05-008641

Kurtis T. Wilder  
Presiding Judge

Christopher M. Murray

Karen M. Fort Hood  
Judges

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The motion for immediate consideration is GRANTED.

The Court orders that the complaint for writ of superintending control is GRANTED. A defendant convicted of the "sexual assault of a minor and awaiting sentence shall be detained and shall not be admitted to bail." MCL 770.9b(1). Therefore, the trial court is directed that, if the defendant in the underlying action was, as the prosecutor asserts to this Court, convicted of first-degree criminal sexual conduct, in violation of MCL 750.520b, then the trial court has a clear legal duty to immediately "detain" the defendant, and not allow him to be admitted to bail, while awaiting sentencing.

The motion to waive the filing of the transcript is GRANTED.

This matter is REMANDED to the trial court for further proceedings consistent with this order. We do not retain jurisdiction.

This order shall have immediate effect. MCR 7.215(F)(2).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

DEC 21 2005

Date

*Sandra Schultz Mengel*  
Chief Clerk